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ABSTRACT

Responses from 230 New York State school districts were analyzed to determine the impact of the new State handicapped regulations with regard to financial impact, meeting the 30-day time period between initial referral of a handicapped child and board action, variances, and programming and placement according to 4 criteria. In general, small, rural, and large school districts saw the new regulations as being more costly and time-consuming for completion of paperwork than the old regulations for districts already overtaxed and understaffed. In addition to increased program costs because of increased staff time to complete paperwork, many districts expected the costs of self-contained classes and related services to increase with the new regulations. Complying with the 30-day time limit between initial referral and placement of a handicapped student posed problems for the 68% of the districts responding. Close to 70% of the respondent districts may need variances to comply with the new regulations to maintain reasonable special education programs. School districts currently operating under the new regulations liked the flexibility of combining handicapping conditions but found the paperwork burdensome. Many districts viewed the placement criteria as ambiguous. Programming for related services was expected to necessitate increased costs. Survey forms are appended. (CM)

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SURVEY REPORT
EFFECTS OF NEW YORK STATE HANDICAPPED REGULATIONS ON SMALL, RURAL AND LARGE SCHOOL DISTRICTS

The legislative committee of the Rural Schools Program completed a field survey study to provide a position statement for the state on the new handicapped regulations as they impact on both small rural and larger schools. A questionnaire (see Appendix A) was submitted to all BOCES who are members of the New York State Rural School Program. BOCES special education directors were requested to obtain responses from each of their component districts for a consolidated report. The committee then decided to expand the results of the study to include a comparison of the impact of the new regulations between small rural and larger school districts. Questionnaires (see Appendix B) were sent, therefore, to all school districts with K-12 student populations over 3,000 students.

Specific input information requested from districts centered around implementation and compliance issues related to the new regulations which were identified by the legislative committee of the Rural Schools Program as areas potentially posing problems for small rural schools, namely:

1) Financial impact

2) Meeting the 30-day time period between initial referral of a handicapped child and board action

3) Variances

4) Programming and placement according to the 4 criteria

Additionally, information was obtained to allow for analyses of the above specifically for districts currently operating under the new regulations.

RESULTS:

Approximately 250 questionnaires were distributed to small, rural schools and 220 to schools with student populations over 3,000 pupils. The response rate was close to 50% with 112 responses obtained from small, rural schools and 118 responses obtained from large schools for a total of 230, representing over 30% of school districts in New York State. Of the total number of school districts responding (230), 82 are operating under the new regulations.

Results will be analyzed first comparing small and large school districts including a discussion of total responses to issues. Secondly, analyses of responses from school districts currently operating under the new regulations will be presented separately. Suggestions from the study to the Rural Schools Program relating to the new regulations will also be specified.

A. Small vs. Large Districts

Responses were received from 230 school districts, 112 small, rural and 118 large districts and are presented in Table 1. Results are discussed by issue:

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TABLE 1.

Responses in percents to questions concerning impact of the new New York State Regulations for the Handicapped on small, rural schools (112 responses) and larger school districts (118 responses) - (230 total responses.)

	Increase Cost			Decrease Cost			Stay the Same		
1. FINANCIAL IMPACT:	Size of District Small	Large	Total	Size of District Small	Large	Total	Size of District Small	Large	Tot
A. Self-contained Classes	41%	57%	49%	3%	11%	7%	33%	31%	32
B. Resource Rooms	38%	32%	35%	0%	4%	2%	48%	61%	55
C. Related Services	52%	73%	62%	5%	2%	4%	32%	25%	29
D. Transportation	22%	35%	28%	9%	9%	9%	51%	49%	50
E. Legal Challenges	46%	42%	44%	1%	1%	1%	37%	52%	45

	Have Problems Complying			No Problems Complying		
2. 30-DAY REFERRAL-PLACEMENT TIME LIMIT:	Size of District Small	Large	Total	Size of District Small	Large	Total
	66%	71%	68%	28%	25%	32%

	May Need Variances			Will Not Need Variances		
3. VARIANCES:	Size of District Small	Large	Total	Size of District Small	Large	Total
	62%	71%	66%	25%	24%	24%
	Have Had Problems Obtaining Variances			Have Not Had Problems Obtaining Variances		
	11%	15%	13%	54%	67%	60%

	Difficulty Programming			No Difficulty Programming		
4. PROGRAMMING:	Size of District Small	Large	Total	Size of District Small	Large	Total
	43%	41%	42%	53%	57%	55%
	Difficulty Placing by 4 Criteria			No Difficulty Placing by 4 Criteria		
	41%	50%	45%	51%	48%	50%

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1) Financial Impact. Costs of related services, self-contained classrooms and legal challenges are all expected to cost small rural and large districts more under the new regulations by approximately 50% of the districts responding, while costs of resource rooms and transportation are expected to stay the same by about 50% of the respondents. Very few districts felt there would be a decrease in costs for any special education related service. (It should be noted that only 15% of the districts responding had completed an actual financial cost analysis while 80% had not done so.) Specified reasons for the responses given by the schools concerning cost changes included:

a) Decreasing the EMR self-contained class size to 12 from 15 and 18 automatically increases costs by 25 to 33% without increasing services at all. Comments specified that the decrease in EMR class size was unrealistic and unnecessary for provision of appropriate services.

b) Increased staff time to prepare reports and fill in additional paperwork required by new regulations costs more money with no change in services (mentioned by over 20% of the districts responding).

c) The decrease in age range also may necessitate an increased number of classes (with smaller class sizes) and no change in services, costing a school district more to maintain existing programs.

d) The federal aid picture looks bleak. If federal aid is cut with no relaxation of state handicapped mandates or increase in state aid, undue financial strain will be felt by most districts.

There were not many noteable discrepancies between responses of small and large districts. A higher percent of large than small districts felt that self-contained program costs would increase. Since large districts are more likely to have a great enough handicapped population to operate self-contained classes, their responses are more likely than those of small districts to accurately reflect reaction to impact of the new regulations. Large districts statistically would also have more handicapped students in need of related services than small districts which would explain the difference in percentages between small and large districts concerning increased costs in related services.

2) 30-Day Referral-Placement Time Limit. Of all districts responding, 68% are having problems complying with this time frame restriction, with large districts experiencing a greater problem meeting the deadline than small districts. Reasons specified to explain the high percentage of districts experiencing problems included:

a) By far, the most common problem experienced by school districts in meeting the 30-day time limit was lack of parent timeliness or cooperation in returning the written parental consent to evaluate form. Since the regulations do not require parents to return this permission form within a specified period of time, a district has no control over the number of days within the 30-day limit left to evaluate and recommend placement after receiving the parent form. For example, if it took parents 4 weeks to return the consent for placement form only 10 school days would be left for a district to complete all evaluations and reports in order to make any appropriate recommendation for placement.

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b) Small school districts frequently hire related service personnel (such as school psychologists and speech therapists) on a part-time basis. Even when parental permission to test forms are returned in a timely manner, it is extremely difficult for the evaluations and paperwork to be completed within 30 days when a school district has the services of a school psychologist only one or two days a week.

3) Variances. Most schools responding felt that they already needed or might need variances to operate special education programs within State Education Department guidelines in the future. Many districts have never requested variances in the past and have had no experience in having a variance accepted or refused. Consequently, there was a high percentage of responses reporting no difficulty obtaining variances because they had never requested them. Large schools which operate more comprehensive special education programs than small schools felt more of a need for variances than small schools did. Comments from the survey indicated:

a) Requests for variances would center on age range and class size restrictions of the new regulations. One must seriously question how realistic the new regulations are in class size and age range specifications when 66% of school districts responding anticipate having to request a deviation from regulation standards.

b) There was concern that the approval of a request for a variance was more a function of who the regional associate assigned to a district was rather than a consistent and timely review policy by the state. Several comments indicated that politics rather than reasonableness of request have decided approval of variance requests in the past.

4) Programming. A sizeable minority (42%) of all respondents felt they were already having or would have problems providing for programs and placing handicapped students according to the 4 criteria (45%). Approximately half of all districts responding anticipated no difficulty. Comments included:

a) Of major concern was the increase in paperwork and reports required by the new regulations. The Committees on the Handicapped will be required to report to the Board of Education three times during the evaluation, placement, annual report process on a handicapped child. The amount of information, reports and, especially notices to parents including legal statements of rights, is viewed as excessive by most school districts. In addition to increased time demands (and, consequently, increased cost) on school district staff to complete paperwork, the lengthy proposed evaluation-placement process can actually delay needed special education services to a handicapped child.

b) The four criteria were viewed as ambiguous and difficult to objectify. For example, how does a district decide which criterion is the most important for grouping or, even more basically, how does one measure "management needs or level of social development " with a standardized, objective test? Because of the ambiguity and subjectivity of the four criteria, many districts fear an increase in impartial hearings, especially under circumstances where a handicapped child moves from one school district to another district which has different interpretations of the criteria.

c) Several respondents from small, rural districts also mentioned problems in recruiting qualified related services personnel as an ongoing problem.

B. Districts Currently Operating Under the New Regulations

Responses to the questionnaire from districts currently operating under the new regulations are presented in Table 2. Of the small districts responding, 21 or 19% were operating under the new regulations, while 61 or 52% of the large district respondents were so doing.

Percentages of responses of small vs. large districts is not presented because of the insignificant differences in responses between the two categories.

1) Financial Impact. With the exception of the area of legal challenges, the financial impact of the new regulations on districts currently enacting them was not substantially different from expected impact of the regulations by districts using the old regulations. Self-contained classroom and related services operations increased in cost in 50% or more of the districts. Reasons offered by respondents corresponded directly to those explained previously. (See page 2)

2) 30-Day Referral-Placement. A slightly lower percent of districts using new vs. old regulations have difficulty complying with this requirement. Comments on the questionnaires did not offer any suggestions to explain the small difference.

3) Variances. A slightly larger number of districts operating than not operating under the new regulations have or will have to request a variance from the new regulations. A larger percentage have had problems in getting a request approved which may be a reflection of confusion surrounding interpretation and implementation compliance of the new regulations by regional associates. Variance needs centered on age range and class size.

4) Programming and Placement. Of districts implementing the new regulations, there were fewer reported problems with both programming and placement by the 4 criteria than expected by districts operating under the old regulations. Related services was the most frequently mentioned programming problem. The necessity to complete a comprehensive psychoeducational evaluation for speech impaired students since the new definition indistinguishably combines all speech problems has resulted in disproportional amounts of evaluation personnel time spent for these referrals and placements. There were a substantial number of strong comments that the area of speech impairment as a handicapping condition requiring all processes and procedures of other handicapping conditions presented unrealistic, unnecessary time and expense constraints on school districts. Of the school districts reporting problems with the four placement criteria, the most commonly mentioned difficulties were ambiguity of the criteria and the additional amount of paperwork required if the regulations were followed to the letter of the law. Districts liked the flexibility of being able to combine handicapping conditions for placement purposes, but did not find the 4 criteria particularly useful for deciding placement above and beyond handicapping condition information.

TABLE 2.

Responses in percents to questions concerning impact of new NYS Regulations for the Handicapped on small (21) and large(61) school districts implementing the regulations (82 total R's) and small (91) and large (57) districts not implementing the new regulations (146 total R's).

	Increase Cost		Decrease Cost		Stay the Same	
1. FINANCIAL IMPACT OF NEW REGULATIONS:	Currently Using: Old Regs.	New Regs.	Currently Using Old Regs.	New Regs.	Currently Using Old Regs.	New Regs
A. Self-contained Classes	53%	45%	3%	12%	29%	35%
B. Resource Rooms	42%	27%	1%	2%	50%	61%
C. Related Services	61%	66%	5%	1%	31%	24%
D. Transportation	30%	24%	10%	7%	48%	55%
E. Legal Challenges	53%	30%	1%	1%	38%	57%

2. 30-DAY REFERRAL-PLACEMENT TIME LIMIT:	Have Problems Complying Currently Using Old Regs.	New Regs.	No Problems Complying Currently Using Old Regs.	New Regs.
	73%	63%	27%	35%

3. VARIANCES WITH NEW REGULATIONS:	May Need Variances Currently Using Old Regs.	New Regs.	Will Not Need Variances Currently Using Old Regs.	New Regs.
	66%	71%	25%	22%
	Have Had Problems Obtaining Variances		Have Not Had Problems Obtaining Variances	
	12%	15%	57%	71%

4. PROGRAMMING WITH NEW REGULATIONS:	Difficulty Programming Currently Using Old Regs.	New Regs.	No Difficulty Programming Currently Using Old Regs.	New Regs.
	52%	26%	47%	71%
	Difficulty Placing by 4 Criteria Old Regs.	New Regs.	No Difficulty Placing by 4 Criteria Old Regs.	New Regs.
	55%	28%	41%	65%

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C. Suggestions to the Rural Schools Program from Survey Results

1) Financial Impact

a) Increase class size for self-contained class of 12 with aide to 12 + 3 with an aide as presented in original new regulations proposal last year.

b) Increase class age range to 48 months.

c) Increase state financial support to offset decreased federal dollars and increased costs of complying with the new regulations.

2) 30-Day Referral

a) Start 30-day time limit after receipt of parent consent to evaluate by school district.

b) Reduce amount of information and reports required for placement, especially for some handicapping conditions (e.g. speech impaired).

3) Variances

a) Small, rural schools and large schools and BOCES will always need the options of variances to operate reasonable and appropriate special education services in the least restrictive environment. If the new regulations remain as is, more districts will need variances to operate legally within the regulations than not.

b) There should be time limits and consistent guidelines for the State Education Department to accept or reject a variance request. Receiving a rejection to a variance request with no reason given a year after the request was made is ridiculous, although frequently advantageous to a school district.

4) Programming and 4 Criteria Placement

a) The four placement criteria should be suggestive not regulatory. They are ambiguous, contradictory, and impossible to objectively and consistently evaluate according to the current state of school psychology and special education.

b) Districts are going to need a substantial amount of in-servicing to understand and implement the new regulations, especially use of the 4 criteria for placement if they are maintained as is.

c) Review the regulations to reduce amount of paperwork. As one respondent said, the new regulations amount to "a monumental paper task that has neglibible impact on student program." Phase I of the IEP poses special paperwork excesses for Committees on the Handicapped.

d) Responses indicated a fair amount of negative feelings surrounding regulation change. Districts are having problems keeping up with an understanding of handicapped regulatory changes let alone implementing the changes.

D. Researchers' Comment

Our task was to analyze responses and to objectively summarize volunteered comments on the questionnaire to the Rural School Program. However, we also needed to analyze the variables which affect the very nature of the research itself, i.e., factors which may have influenced the results of the study, other than those included on the questionnaire itself. Although we feel that our results accurately reflect attitudes in the field concerning the new regulations, we have two concerns about the validity of a research study on the actual impact of the new handicapped regulations at this time: (1) timeliness and (2) school district motivations to implement the new regulations.

Specifically, the new regulations change processes and procedures which impact on an entire school year of operations, from initial referral to annual review of a handicapped child. We seriously doubt that many students were placed according to the new regulations during July and August, 1981, and would suggest that a minimal number of students have been placed since September, 1981, to the time of our survey. Most districts have the major number of their handicapped placements and services for the new school year completed by the end of the previous school year. Consequently, we question the amount of real experience with the new regulations (especially programming and placement according to the 4 criteria) districts have actually had. Obviously, no district has yet had an opportunity to experience the full cyclical implications of the new regulations. If field experience is to be seriously considered by the Board of Regents in determining final approval of the new regulations, we would suggest that a decision at this time is premature at best.

Secondly, we question the ability of any survey research at this time to adequately and fully assess the impact of the new regulations on school district operations. We did not ask districts why they implemented or did not implement the new regulations. Our guess is that the decision was made primarily for one or both of two reasons: (1) the new regulations represented most closely what a district was already doing programmatically or (2) the new regulations represented positive or neutral economic influences (obviously defined as a reduction or maintenance of existing handicapped program costs) on district budget.

We would suggest that districts who currently operate totally by categorical programming according to the old regulation labels, class sizes and age ranges will be economically hurt and educationally confused by the new regulations and placement criteria when they are faced with implementating them in July 1982.

SUMMARY:

Responses from 230 New York state school districts to the impact of the new New York State handicapped regulations were analyzed. In general, small rural and large school districts see the new regulations as being more costly and time-consuming for completion of paperwork than the old regulations for districts already overtaxed and understaffed. Phase I of the IEP and the number of notices to parents and reports to the Board of Education were all mentioned as contributing factors in the paperwork overload.

In addition to increased program costs because of increased staff time to complete paperwork, many districts expect the costs of self-contained classes and related services to increase with the new regulations. Complying with the 30-day time limit between initial referral and placement of a handicapped student posed problems for the 68% of the districts responding. Close to 70% of the respondent districts may need variances to comply with the new regulations to maintain reasonable special education programs.

School districts currently operating under the new regulations liked the flexibility of combining handicapping conditions but found the paperwork burdensome. Programming for related services is expected to necessitate increased costs and many districts view the 4 placement criteria as ambiguous.

Prepared by:

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FIELD INPUT FOR LEGISLATIVE COMMITTEE OF RURAL SCHOOLS PROGRAM

The legislative committee of the Rural Schools Program is preparing a position statement for the state on the new handicapped regulations as they relate to rural schools. To insure that the statement of the committee reflects the field, we are asking your assistance with information.

1. How do you feel the new regulations will impact your district financially on:

a. Programming operating costs:

	Increase	Decrease	Stay the Same
Self-contained Classes	☐	☐	☐
Resource Rooms	☐	☐	☐
Related Services	☐	☐	☐
Transportation	☐	☐	☐
Legal Challenges (Impartial Hearings)	☐	☐	☐

b. Have you done an actual financial impact analysis? Yes ☐ No ☐

Comments for the Rural Schools Program legislative committee:

2. Does your district have problems complying with the 30-day time period between initial referral and Committee on the Handicapped final action?

Yes ☐ No ☐

Comments:

3. Will you potentially need the option of variances to operate any of your handicapped programs?

Yes ☐ No ☐

4. Have you had problems getting variances approved in the past?

Yes ☐ No ☐

(over)

Please state the nature of variance approval problems (timeliness of approval, arbitrariness of approval, etc.)

Comments:

5. Will your Committee on the Handicapped have difficulty in meeting the demands of the new regulations:

   a. Programming — Yes ☐ No ☐

   b. Placement according to the 4 criteria — Yes ☐ No ☐

   Comments:

6. Please add any other comments pertaining to your district's reactions to the new proposed handicapped regulations that would be useful in preparing our statement.

Name of District _____

Size of District _____ _____

# of Handicapped Students: _____ _____

FIELD INPUT FOR LEGISLATIVE COMMITTEE OF RURAL SCHOOLS PROGRAM
ON THE NEW HANDICAPPED REGULATIONS

The legislative committee of the Rural Schools Program has completed a field study to provide a position statement for the state on the new handicapped regulations as they relate to rural schools. The committee is interested in expanding the results of the study to include a comparison of the impact of the new regulations between small rural and larger school districts.

We would greatly appreciate your help in the preparation of this report by filling out the following questionnaire and returning it in the enclosed stamped envelope. Because the Regents are meeting early in 1982, we would appreciate a response from your district as quickly as possible.

More than 130 small school districts have responded to the questionnaire, and are hoping to have a significant number of large school districts also respond so that our comparative data is meaningful. A response from as many districts as possible will make the report most representative for districts across the state.

Thank you very much for your timely assistance. We feel field input to the state and to the Regents before a final decision on the new regulations is made is of primary importance to insure effective, economical special education services in our state.

1. How do you feel the new regulations will impact your district financially on:

a. Programming operating costs:

	Increase	Decrease	Stay the Same
Self-contained Classes	☐	☐	☐
Resource Rooms	☐	☐	☐
Related Services	☐	☐	☐
Transportation	☐	☐	☐
Legal Challenges (Impartial Hearings)	☐	☐	☐

b. Have you done an actual financial impact analysis? Yes ☐ No ☐

Comments for the Rural Schools Program legislative committee:

2. Does your district have problems complying with the 30-day time period between initial referral and Committee on the Handicapped final action?

Yes ☐ No ☐

Comments:

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3. Will you potentially need the option of variances to operate any of your handicapped programs?

Yes ☐ No ☐

4. Have you had problems getting variances approved in the past?

Yes ☐ No ☐

Please state the nature of variance approval problems (timeliness of approval, arbitrariness of approval, etc.)

Comments:

5. Will your Committee on the Handicapped have difficulty in meeting the demands of the new regulations:

a. Programming Yes ☐ No ☐

b. Placement according to the 4 criteria Yes ☐ No ☐

Comments:

6. Are you currently operating under the new special education regulations?

Yes ☐ No ☐

7. Please add any other comments pertaining to your district's reactions to the new proposed handicapped regulations that would be useful in preparing our statement.

Please return by Jan. 27, 1982 to:

Dr. G. Susan Gray, Dir. Sp. Ed.
Steuben-Allegany BOCES
R. D. #1
Bath, NY 14810

(Stamped return envelope enclosed)

Name of District _____

Size of District _____

# of Handicapped Students: _____

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